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**OFFICE OF PETITIONS**

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In re Application of :  
Leonid A. Bekker :  
Application No. 10/668,062 : DECISION ON PETITION  
Filed: September 22, 2003 :  
Attorney Docket No.: :  
5707-05100 :  
Title: METHOD AND APPARATUS TO :  
ACHIEVE ACCURATE FAN TACHOMETER :  
WITH PROGRAMMABLE LOOK-UP TABLE :

This is a decision on the petition filed June 15, 2005, requesting that the above-identified application, including Figures 1-3, be accorded a filing date of September 22, 2003 as part of the original disclosure.

The application was deposited on September 22, 2003. However, on May 19, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application" (notice), stating that the application had not been accorded a filing date, and advising applicants that a filing date would be accorded upon the deposit of drawings.

In response, on June 15, 2005, applicants filed the present petition. The petition is further accompanied by a copy of 3 sheets of drawings containing Figures 1-3, along with a copy of applicants' postcard receipt acknowledging receipt of "3 page(s) Drawings (formal) (Figs. 1-3)" in the United States Patent and Trademark Office (Office) on September 22, 2003. Applicants request that Figures 1-3 be accorded a filing date of September 22, 2003.

No sheets of drawings have been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on September 22, 2003 included 3 sheets of drawings, and each of 3 sheets was subsequently misplaced in the Office.

Therefore, the application, including Figures 1-3, was complete on filing and entitled to a filing date of September 22, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed May 19, 2005 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee has been refunded to Petitioner's Deposit Account.

OIPE will be notified that the application should receive a filing date of September 22, 2003, using the original application papers filed on that date, as well as Figures 1-3 submitted on June 15, 2005, and it will be noted in Office records that these 3 sheets of drawings were present on filing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



**Paul Shaneski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**